

**CALL TO ORDER**

Mayor Severino opened the meeting at 7:00 p.m.

**“Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

**FLAG SALUTE**

**ROLL CALL** - Present: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek

Absent: Mr. Haynes

Others Present: J. Peter Jost, Esq., Ella M. Ruta Municipal Clerk,

**APPROVAL OF PRIOR MEETING MINUTES**

Regular and Executive Meeting Minutes of December 1, 2010.

Mr. Bischoff made a motion to approve the Regular and Executive Meeting Minutes of December 1, 2010. Mrs. Dziubek seconded. Vote – Ayes: Mr. Severino, Mr. Mazza, Mrs. Dziubek. Abstain: Mr. Bischoff. Motion carried.

**VISITORS**

Earle Steeves, Max Spann Realty – Milligan Farm House – auction results briefly discussed. The Committee decided to go into Executive Session before making final decision.

**EXECUTIVE SESSION**

The following resolution was introduced for adoption:

**RESOLUTION #2010-150****Providing for a Meeting Not open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1.            *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on December 15, 2010 at 7:16 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

At 7:16 pm, Mr. Mazza made a motion to adopt the above resolution. Mrs. Dziubek seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 7:34 pm, Mr. Mazza made a motion to come out of the Executive Session. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

#### **Item Added to the Agenda**

#### **TOWNSHIP OF UNION COUNTY OF HUNTERDON STATE OF NEW JERSEY**

#### **RESOLUTION #2010-151**

#### **Accepting Auction Bid for 2.393 Acre Property Known As 80 County Route 513, Block 22, Lot 20.02, Township of Union (“Milligan Farmhouse”), and Authorizing Execution of Contract of Sale for Same**

**WHEREAS**, the Township of Union acquired property known as Block 22, Lot 20.02, having a total gross acreage of 101.964 acres +, located on County Route 513 in the Township of Union, County of Hunterdon, State of New Jersey, by deed dated January 30, 2006 and recorded on January 30, 2006 in Book 2146 of Deeds at Page 459 et. seq. in the Hunterdon County Clerk’s office, and commonly known as Milligan Farmhouse; and

**WHEREAS**, 13.950 acres of the above property was subsequently subdivided for future low/moderate affordable housing as submitted to the New Jersey Council on Affordable Housing (COAH); and

**WHEREAS**, an additional tract of 2.393 acres containing the Milligan Farmhouse and two outbuildings, was also subdivided from the original tract said farmhouse lot to be known and designated as Lot 20.02 in Block 22 on the Tax Map of the Township of Union; with the remainder of Lot 20 in Block 22 to be permanent deed-restricted open space in the amount of 85.592 acres, all as set forth on the final plat of Milligan Farm by Ferriero Engineering, Inc. originally dated January 8, 2008, Project No. 061030, and recorded in the Hunterdon County Clerk’s office as Filed Map No. 20081121000268360 on November 21, 2008; and

**WHEREAS**, the Union Township Committee has determined that the 2.393 acre Farmhouse lot which was subdivided from the Milligan Farm property is not needed for public use and the Township wishes to sell said property so that it may be put to productive use and restored to the tax rolls; and

**WHEREAS**, the sale of the Milligan Farmhouse lot will also recoup for the taxpayers of Union Township a portion of the monies expended for the acquisition of the above described property, to be used for payment of any bonded indebtedness incurred in connection with the acquisition of the Milligan Farm; and

**WHEREAS**, the Union Township Committee adopted Resolution 2010-143 on November 3, 2010 authorizing and approving, in accordance with P.L. 1973, Chapter 355, §1, (N.J.S.A. 40A:12-13.1), the sale by

auction of the above described real property, commonly known as the Milligan Farmhouse, being known as Lot 20.02 in Block 22 on the tax map of the Township of the Union, having a gross acreage of 2.393 acres; and

**WHEREAS**, said Resolution 2010-143 provided that the conveyance of the above described Milligan Farmhouse property to the successful bidder shall be subject to the following restrictions or conditions:

- a. The deed of conveyance to the successful bidder for Block 22, Lot 20.02 shall contain an easement permitting and allowing the Township of Union and its authorized designee, including any authorized farmer of the remaining open space, to utilize the said existing driveway for access to Block 22, Lot 20. The said driveway shall not be open to the general public, nor shall it be available to park patrons.
- b. The deed of conveyance shall also contain an easement prohibiting the purchaser and future owners of the property from demolishing, dismantling or altering the two outbuildings located on the property, being the stone, 1 1/2 story, gable-roofed structure located on the south side of the existing driveway (the "pig house"), and the frame, 1 1/2 story two-bay structure standing perpendicularly to the northwest corner of the pig house ("equipment barn/granary"), except with the permission of the Union Township Historic Preservation Committee.
- c. Such other restrictions, easements, rules and regulations as are contained in the above referred to deeds, the information to bidders and related documentation in connection with this sale.
- d. All restrictions, requirements and easements imposed as conditions of the sale of the above property shall run with the land, and any subsequent sale or conveyance of the property by the buyers' successors in right, title, or interest, shall be subject to said restrictions, requirements and easements.

**WHEREAS**, the said Resolution 2010-143 and the bid package supplied by the Township and Max Spann Realty contains detailed disclosures, information and disclaimers regarding potential asbestos-containing materials, lead based paint, septic and well and other conditions relative to the Milligan Farmhouse property; and

**WHEREAS**, on December 10, 2010 the said auction was duly conducted by Max Spann Realty and the highest bid for said property was submitted by Rexhep Leka for a bid price of \$75,000.00, plus a Buyers' Premium in the amount of \$7,500.00 for a total purchase price of \$82,500.00, and Rexhep Leka having executed a contract for sale of real estate dated December 10, 2010 in the form specified in the bid documents and in said amount, and good cause appearing;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the said highest auction bid of Rexhep Leka in the amount of \$75,000.00 plus a Buyers' Premium in the amount of \$7,500.00 for a total purchase price of \$82,500.00 is hereby accepted; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute a Contract for Sale of Real Estate for the above described property, commonly known as Milligan Farmhouse, in the form attached hereto as Schedule A; and

**BE IT FURTHER RESOLVED** that the Mayor, Clerk and Township Attorney are authorized to sign all documents and do all things necessary to effectuate the sale and conveyance of the above described property as a permanently preserved farm to Rexhep Leka, subject to the above-described deed restrictions and conditions of sale, disclosures and disclaimers, and in accordance with the terms of the above referred to resolutions, this resolution and other applicable requirements of law.

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately.

Mr. Bischoff made a motion to adopt the above resolution as amended this evening to accept the bid price of \$75,000 for the Milligan Farm House. Vote – Ayes: Mr. Bischoff, Mr. Mazza. Nays: Mr. Severino, Mrs. Dziubek. Motion defeated.

Mr. Bischoff made a motion to reconsider the previous vote on Resolution #2010-151. Mr. Mazza seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

Mr. Bischoff made a motion to affirmatively re-consider Resolution #2010-151. Mr. Mazza seconded. Vote – Ayes: Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Nays: Mr. Severino. Motion carried.

## REPORTS RECEIVED

- Road Dept - Weeks Ending 11/24/10; 12/03/10
- Animal Control Officer – November 2010

## CORRESPONDENCE/WRITTEN COMMUNICATIONS

Mrs. Dziubek mentioned the following correspondence: None

Mr. Mazza mentioned the following correspondence:

- Historical Society Building was winterized by D&L Company

Mr. Bischoff mentioned the following correspondence:

- First Lady's NJ Local Heroes Initiative. The Committee agreed that Joey Ferro, injured in Afghanistan be nominated by Union Township.
- Clinton First Aid & Rescue Squad, re: Shared Services. Invitation to attend meeting, Mr. Bischoff is not available.
- US Bankruptcy Court for the District of Delaware, re: American Home Mortgage Holdings, Inc. Attorney Jost will follow up.
- U.S. Census Bureau, re: 2011 Boundary and Annexation Survey.

Mr. Severino mentioned the following correspondence: None

## PUBLIC COMMENTS

Pat Lingelbach, Main Street, Jutland. Expressed her disappointment that the Milligan property was not marketed fully for professional/commercial use.

Paige DiRoberto, resident. Additional comments on the Milligan House auction. She also thanked Ms. McBride for working diligently on preparing both, the Douglas and Milligan properties for auction.

## PUBLIC HEARING

## OLD BUSINESS

Discussion – The Proposed Renewable Energy Ordinance. Tabled for next meeting.

**NEW BUSINESS**

a. The following resolution was introduced for adoption:

**RESOLUTION #2010-152  
TOWNSHIP OF UNION, HUNTERDON COUNTY  
RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

**WHEREAS**, Tax Sale Certificate #09-04 was issued on September 24, 2009, to Tad J Dabrowski, in the amount of \$562.08 for delinquent 2008 taxes on Block 22, Lot 18.02; and

**WHEREAS**, Tax Sale Certificate #09-05 was issued on September 24, 2009, to Tad J Dabrowski, in the amount of \$146.43 for delinquent 2008 taxes on Block 22, Lot 28, Qual.C0132; and

**WHEREAS**, Tad Dabrowski has paid additional delinquent taxes and interest; and

**WHEREAS**, the liens were redeemed on December 7, 2010, in the amount of \$1,594.69 and \$367.88 respectively, in accordance with provisions of NJSA 54:5-60 et. seq.; and

**NOW, THEREFORE, BE IT RESOLVED**, on this 1st day of December, 2010, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. That the Treasurer issue a check in the amount of \$1,962.57 payable to Tad J. Dabrowski, 329 Durham Avenue, So. Plainfield, NJ 08850-0083.
2. That the checks be sent to Tad J. Dabrowski, upon receipt of the Tax Sale Certificate, duly endorsed for cancellation.
3. That this Resolution shall take effect immediately upon adoption.

Mrs. Dziubek made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

b. The following resolution was introduced for adoption:

**RESOLUTION #2010-153  
UNION TOWNSHIP, HUNTERDON COUNTY  
APPROPRIATION TRANSFER(S)**

Be it resolved by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, that there are insufficient funds to meet the demands necessary for the 2010 Appropriations in the following accounts:

TO	Capital Improvement Fund	10690020	40,000.00
			\$40,000.00

**WHEREAS**, the following account(s) have sufficient excess funds to meet such demands:

**FROM:**

Roads OE	10529020	40,000.00
		\$40,000.00

**BE IT RESOLVED** that in accordance with the provisions of R.S. 40A: 4-58 the Chief Financial Officer is hereby authorized to make the transfer(s) required to meet the obligations of Union Township.

Mr. Bischoff made a motion to adopt the above resolution. Mrs. Dziubek seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

- c. **Discussion:** Ordinance Regarding Park Regulations and Park Use Agreement with Pittstown Trail Association.

Attorney Jost provided a draft of the Park Use Agreement. The Attorney and Paige DiRoberto discussed specifics of the Ordinance.

Mrs. Dziubek made a motion to approve the Park Use Agreement at Finn Road Park subject to Atty. final review and insurance confirmation. Approval for no greater than 15 horse jumps. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

**Approval:** Cancellation of the Termite Control Contract at 26 Baptist Church Road with Viking Pest Control.

Mr. Bischoff made a motion to cancel the Termite Control Contract at 26 Baptist Church Road with Viking Pest Control. Mr. Mazza seconded. Vote: Ayes – Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

**Approval:** Extension to Merlin's Pest Control, LLC contract to cover Grass Shed and Pavilion at the Finn Road Park. Mr. Mazza will investigate, tabled for next meeting.

## **NEW ORDINANCE – 1<sup>st</sup> Reading**

## **REPORTS**

**Attorney's Report** – Mr. Jost reported the following:

- Received a copy of a letter from Kevin Richardson enclosing our check for \$46,181.45 for open space.
- Distributed Ordinance creating deputy zoning officer and municipal prosecutor position to be adopted at the next Committee meeting.
- Background checks for volunteers involved with recreation activities. Will email proposal from North Carolina Company to Committee.

## **Mayor's Report**

Mayor Severino will make arrangements to present a plaque to Committeeman Haynes in recognition of his 18 years of service.

## **Committee Report**

Mr. Bischoff reported the following:

- Quote of the day "I predict future happiness for Americans if they can prevent the government from wasting the labors of the people under the pretense of taking care of them." Thomas Jefferson.
- Presented report for the UT Municipal Court for the month of November. He said that he is working on more equitable distribution of funds received by the Court.
- Stuart Koenig's memo on COAH.
- Matter for Executive Session – Highlands invoices.

Mr. Mazza reported the following:

- Attended UTEC meeting. Gave overview of the Sidney Brook discussion at the meeting.

Mrs. Dziubek reported the following:

- Revisited the Energy Efficiency Grant. She said that the end would not justify the means. Ms. McBride provided additional information about the specifics of the grant. Ms. McBride also said that there is no cost to the Township for having the energy efficiency audit done. She had the grant application prepared and asked the Mayor for approval and signature.

**Mr. Bischoff made a motion to go forward with the energy audit provided there is no obligation or cost to the Township. Mrs. Dziubek seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.**

- **Clerk's Report**

## **PUBLIC COMMENTS**

Michele McBride, Olde Forge Road. Ms McBride prepared bid specification for Hoffman house salvage and demolition. Specifics briefly discussed. Atty. Jost will review both documents.

## **PAYMENT OF THE BILLS**

Mr. Bischoff moved that the approved list of bills and that all claims against the Township of Union as appearing in the Claims Register of this date be paid and that all checks listed hereinafter be issued in payment thereof. Mrs. Dziubek seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

## **EXECUTIVE SESSION**

The following resolution introduced for adoption:

### **RESOLUTION #2010-154**

#### **Providing for a Meeting Not open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1.            *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is require in order for the attorney to exercise his ethical duties as a lawyer.

2. \_\_\_\_\_ *Matters Relating to the Employment Relationship:* Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on December 15, 2010 at 8:57 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

At 8:57 p.m., Mrs. Dziubek made a motion to adopt the above resolution. Mr. Bischoff seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion Carried.

At 9:14 p.m., Mr. Bischoff made a motion to come out of the Executive Session. Mr. Mazza seconded. Vote – Ayes: Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek. Motion carried.

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, Mr. Bischoff made a motion to adjourn. Mrs. Dziubek seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 9:14 p.m.

Respectfully submitted,  
Ella M. Ruta, RMC  
by Pat Essig  
Administrative Assistant